

Jason Pierce #1272366
Name and Inmate Booking Number

Northern Nevada Correction Center
Place of Confinement

P Box 7000
Mailing Address

Carson City, NV 89702
City, State, Zip Code

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Jason Pierce,
Plaintiff

vs.

(1) Det. Marconato, Tony,
(2) Washoe County, RPD,
(3) _____,
(4) _____,
(5) _____,
Defendant(s).

Case No. _____
(To be supplied by Clerk of Court)

**CIVIL RIGHTS COMPLAINT
BY AN INMATE**

- ☒ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

☒ Jury Trial Demanded

A. JURISDICTION

1) This Court has jurisdiction over this action pursuant to:

- ☒ 28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983
☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971)
☐ Other: _____

2) Institution/city where Plaintiff currently resides: Northern Nevada Correction Center

3) Institution/city where violation(s) occurred: Washoe County

B. DEFENDANTS

1. Name of first Defendant: Det. Marconato, Tony. The first Defendant is employed as:
Detective at Reno Police Department
(Position of Title) (Institution)
2. Name of second Defendant: Washoe County RPD. The second Defendant is employed as:
Reno Police Department at J R PD
(Position of Title) (Institution)
3. Name of third Defendant: _____. The third Defendant is employed as:
_____ at _____
(Position of Title) (Institution)
4. Name of fourth Defendant: _____. The fourth Defendant is employed as:
_____ at _____
(Position of Title) (Institution)
5. Name of fifth Defendant: _____. The fifth Defendant is employed as:
_____ at _____
(Position of Title) (Institution)

If you name more than five Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. NATURE OF THE CASE

Briefly state the background of your case.

On January 17th, 2023 Defendant Det. Marconato, T. caused me severe bodily harm by using excessive force during my arrest. Det. Marconato's Police reports along with others and Body Cam Footage will prove while I was being restrained on the ground Det. Marconato kicked me in my head 4 times & hit me with his fist.

D. CAUSE(S) OF ACTION**CLAIM 1**

1. State the constitutional or other federal civil right that was violated: Eighth & Fourteenth
admiralment's, excessive Force & equal Rights protection
2. **Claim 1.** Identify the issue involved. Check **only one**. State additional issues in separate claims.
- | | | |
|---|--|--------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Medical care | <input type="checkbox"/> Mail |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Property |
| <input type="checkbox"/> Access to the court | <input checked="" type="checkbox"/> Excessive force by officer | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |
3. **Date(s) or date range** of when the violation occurred: _____
4. **Supporting Facts:** State as briefly as possible the FACTS supporting Claim 1. Describe exactly what **each specific defendant (by name)** did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

on Jan 17th, 2023 Det. marconato of the Washoe County police Department assisted in my arrest. During my arrest I was secured on my stomach by officers when Det. marconato repeatedly kicked me in the face then continued to strike me with his fist, the question is why not use his stun gun? I should of had my rights protected by the rest of the RPD officers on scene. There is multiple police reports admitting to the assault along with body cam & record of the ambulance that had to check me in Jurgs before transfer to County Jail.

3 pages / Police reports included
Reports from
#1. Det. Marconato, Tony - 2 page
#2. Foster, Casey RPD - 1 page

CLAIM 2

1. State the constitutional or other federal civil right that was violated: equal Rights Protection

2. **Claim 2.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

☐ Basic necessities

☐ Medical care

☐ Mail

☐ Disciplinary proceedings

☐ Exercise of religion

☐ Property

☐ Access to the court

☒ Excessive force by officer

☐ Retaliation

☐ Threat to safety

☐ Other: _____

3. **Date(s) or date range** of when the violation occurred: _____

4. **Supporting Facts:** State as briefly as possible the **FACTS** supporting Claim 2. Describe exactly what **each specific defendant (by name)** did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

When I was assaulted By Det. marconato^{cc} on Jan. 17th 2023 there were a number of Detectives and RPD, SPD that should of afforded me the same Protective rights recieved By anyone else. They should of intraylened and Stopped the assault.

E. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while incarcerated? ☐ Yes ☒ No
2. Has this Court or any other court designated you as subject to "three strikes" under 28 U.S.C. § 1915(g)? ☐ Yes ☒ No
3. If you have "three strikes" under 28 U.S.C. § 1915(g), does this complaint demonstrate that you are "under imminent danger of serious physical injury?" ☐ Yes ☒ No

F. REQUEST FOR RELIEF

I believe I am entitled to the following relief:

I request the Courts to allow me Jury trial to be granted the amount of \$1.5 million Dollars For pain, Suffering and medical treatment, now and pending

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Pro SE
(name of person who prepared or helped prepare this complaint if not the plaintiff)

[Signature]
(signature of plaintiff)

2-20-24
(date)

ADDITIONAL PAGES

You must answer all questions concisely in the proper space on the form. Your complaint may not be more than 30 pages long. It is not necessary to attach exhibits or affidavits to the complaint or any amended complaint. Rather, the complaint or any amended complaint must sufficiently state the facts and claims without reference to exhibits or affidavits. If you need to file a complaint that is more than 30 pages long, you must file a motion seeking permission to exceed the page limit and explain the reasons that support the need to exceed 30 pages in length.

23-1020

Supplement No
0002

RENO POLICE DEPARTMENT



P.O. BOX 1900

455 E 2ND ST

Reno NV 89502

Phone
775-334-2175

Fax

Reported Date

01/18/2023

Rpt/Incident Typ

WEAPONS

Emp #

FOSTER, CASEY

Administrative Information

Agency RENO POLICE DEPARTMENT	OCA # 23-1020	Supplement No 0002	Reported Date 01/18/2023	Reported Time 12:44	CAD Call No 230171093
Status REPORT TO FOLLOW	Rpt/Incident Typ WEAPONS LAW VIOLATIONS				
					City RENO
Z P Code 89501	Rep Dist J5F5	Area RC	Beat 51	From Date 01/17/2023	From Time 19:34
			To Date 01/17/2023	To Time 21:29	
Emp # RS375/FOSTER, CASEY			Author RS375	RMS Transfer Successful	Prop Trans Stat Successful
Approving Officer R7945		Approval Date 01/23/2023		Approval Time 15:35:33	

Modus Operandi

Crime Code(s)

Weapons violations

Narrative

On 1/17/2023, at approximately 2115 hours, the Regional Crime Suppression Unit (RCSU) learned about the whereabouts of Jason Pierce who was wanted for multiple crimes. Pierce was supposed to be at the Club Cal Neva casino located at 38 E 2nd St in Reno. RCSU Detectives went into the casino and located Pierce near the pool tables. Pierce walked around the casino and followed Pierce while a plan was put in place to take him into custody. Pierce left the casino and walked northbound on N Virginia St. Most of the RCSU Detectives approached Pierce in unmarked police vehicles while I was still following on foot from a distance.

I watched as the RCSU Detectives jumped out on Pierce from the back of an unmarked police truck, which turned its lights on shortly after. I was approximately half a block away and saw the detectives chase after Pierce. While running towards Pierce I ran past Detective Joseph and Detective Gamboa, who were walking around in circles in obvious pain. I asked them what had happened, and they told me Pierce had pepper sprayed them. I ran past the detectives and watched Sergeant Jones and Lt Marconato go into the southeast door of the El Dorado casino.

I went into the casino and Pierce was on the ground with Lt Marconato and Sgt Jones on top of him, telling him they were the police and to stop resisting, which he did not. While approaching them, I saw Lt Marconato strike Pierce twice near his torso. I provided handcuffs and helped take Pierce into custody. Pierce was covered in his own pepper spray, enough so that it burned my eyes and face while I helped take him into custody. I was later decontaminated by REMSA.

I helped search Pierce after the cuffs were placed on him. Pierce was wearing a vest/jacket that had a lot of pockets. On an interior pocket, that was on the inside of the top was a pocket that had a cigarette pack that contained multiple little blue pills and some methamphetamine. Detective Noel later identified, counted, and weighed the substances. There were 72 Oxycodone pills and 1.44 Ggw of meth.

This concludes my involvement in the arrest of Pierce, for further details of the investigation, see the other involved detectives supplemental reports.

Report Emp #

RS375/FOSTER, CASEY

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23-1020

Supplement No
0003

RENO POLICE DEPARTMENT



P.O. BOX 1900

455 E 2ND ST

Reno NV 89502

Phone
775-334-2175

Fax

Reported Date

01/18/2023

Rpt/Incident Typ

WEAPONS

Emp #

MARCONATO, TONY

Administrative Information

Agency RENO POLICE DEPARTMENT		OCA # 23-1020	Supplement No 0003	Reported Date 01/18/2023	Reported Time 13:13	CAD Call No 230171093
Status REPORT TO FOLLOW		Rpt/Incident Typ WEAPONS LAW VIOLATIONS				
Location [REDACTED]						City RENO
Z P Code 89501	Rep Dist J5F5	Area RC	Beat 51	From Date 01/17/2023	From Time 19:34	To Date 01/17/2023
Emp # RS082/MARCONATO, TONY				Author RS082		
RMS Transfer Supplement Transfer Complete			Prop Trans Stat Successful	Approving Officer R7945		Approval Date 01/23/2023
Approval Time 15:36:28						

LAW ENFORCEMENT PERSONNEL 1: ;MARCONATO,T

Involvement LAW ENFORCEMENT PERSONNEL	Invl No 1	Type POLICE OFFICER (RPD/UNR ONLY)
Name ;MARCONATO, T		RMS Transfer Successful

Modus Operandi

Crime Code(s) Weapons violations
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Narrative

Det. Lt. Tony Marconato #082

On January 17th, 2023, at approximately 8:16pm, RCSU Detectives were attempting to arrest Jason PIERCE on multiple felony and misdemeanor charges. Three Eluding cases, one of which he Eluded after an attempted contact by police as a suspect in an ADW case with a knife. PIERCE was also wanted in connection to the theft of a master US Post Office key.

RCSU had been attempting to arrest PIERCE for several weeks, but he would always initiate a pursuit and was always hyper vigilant and paranoid.

PIERCE was observed by RCSU Detectives at the Cal Neva Casino in Reno. While we were observing him in plain clothes and attempting to formulate a plan to arrest him, he began making evasive movements throughout the casino, then about 10 minutes later, he was spotted northbound on Virginia Street on foot. The situation was not optimal for the arrest, but due to PIERCE'S continuing crime spree and danger to the public I decided to seize what opportunity we had to arrest him. A few RCSU Detectives that were in that area, including myself, we loaded up in another Detective's vehicle that was driving by. As we approached PIERCE, we got out of the vehicle to effect an arrest. We were in plain clothes but announced "police" and activated the red and blue flashing lights on the detective vehicle.

PIERCE immediately began spraying pepper spray in our direction as we gave chase on foot, and he also pulled out an ASP. He ran to the entrance doors of the El Dorado Casino. Sgt. Jones and I caught up to him at this point, he turned and swung he ASP in Sgt. Jones' direction then he pepper sprayed us both in the face at close distance. Sgt. Jones tackled PIERCE, PIERCE was still fighting us and had the ASP in his hand. At this time, I could not keep my eyes open and my face as in pain due to the pepper spray, I did briefly see the ASP in his hand and did not know what other weapons he may have. I began kicking him in fear of my loss of eyesight and being struck by the ASP or whatever other weapons he may have. I kicked him around the area of his head about 4

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23-1020

Supplement No
0003**RENO POLICE DEPARTMENT****Narrative**

times and stuck him with my fist to his face once. After the last strike I heard him say, "I have had enough, I give up". He was now on the ground flat. I put my knee on the ASP which was still in his hand and just laid on him until other detectives arrived and were able to handcuff him. I was unable to handcuff him because I could not hold my eyes open due to the pepper spray he sprayed in my eyes.

I instructed Detectives to photograph all Detectives affected by the pepper spray and use of force, the scene, and the suspect. Available video security footage of the incident from the El Dorado was also collected.

Refer to the original report for further details.

NFI

Report Emp #

RS082/MARCONATO, TONY

Printed At

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